

LAW OFFICES OF RANDOLPH H. GOLDBERG  
RANDOLPH H. GOLDBERG, ESQ.  
4000 S. Eastern Avenue, Suite 200  
Las Vegas, Nevada 89119  
(702) 735-1500  
Attorney for Debtor  
Nevada State Bar no. 5970

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA

\* \* \* \* \*

|            |   |                    |
|------------|---|--------------------|
| In re:     | ) | BANKRUPTCY NUMBER: |
|            | ) | BK-S-09-30236-MKN  |
| VAN HUYNH  | ) | CHAPTER 13         |
|            | ) |                    |
|            | ) |                    |
| Debtor(s). | ) | Date: OST PENDING  |
|            | ) | Time: OST PENDING  |

**MOTION TO REINSTATE AUTOMATIC STAY RE: SECURED CREDITOR WELLS  
FARGO TO PROHIBIT SALE AND REINSTATE THE AUTOMATIC STAY**

Comes now, the Debtors, above-named, by and through their attorney, RANDOLPH H. GOLDBERG, ESQ., moves this Court for an order approving the Motion to Reinstate the Automatic Stay re: Secured Creditor WELLS FARGO to prohibit sale, as set forth in the points and authorities attached hereto.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2010.

LAW OFFICES OF  
RANDOLPH H. GOLDBERG

By /s/Randolph H. Goldberg/s/  
RANDOLPH H. GOLDBERG, ESQ.  
4000 S. Eastern Avenue, Suite 200  
Las Vegas, Nevada 89119  
Attorney for Debtor

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**POINTS AND AUTHORITIES**

11 U.S.C. Sec. 362(a) states as follows:

(a) Except as provided in subsection (b) of this section, a petition filed under section 301, 302, or 303, of this title, or an application filed under section 5(a)(3) of the Securities Investor Protection Act of 1970 (15 U.S.C. 78 eee(a)(3), operates as a stay, applicable to all entities, of -

(1) the commencement or continuation, including the issuance or employment of process, of judicial , administrative, or other action or proceeding against the debtor that was or could have been commenced before the commencement of the case under this title, or to recover a claim against the debtor that arose before the commencement of the case under this title;....

**STATEMENT OF FACTS**

A Motion for Relief from Automatic Stay was filed by Deutsche bank and set for hearing on November 4, 2010. The debtor has been making the house payments since the bankruptcy has been filed Prior to the hearing Ms. Huynh gave copies of the proof of payments to Mr. Goldberg's office and those were in turn faxed to Gregory Wilde's office. The debtors through their attorney have been working on a resolution and putting the stay back in place. To this date there is no resolution. Mr. Wilde has postponed the sale so that the problem can be resolved.

An entered order lifting the automatic stay was signed by the court on December 23, 2010. This order should have never been entered. The debtor is current on all post petition payments with regards to the house and prays the court reinstate the automatic stay in this case.

WHEREFORE debtors' respectfully request that any pending sale be canceled.

and THAT the stay provided under Chapter 13 of the Bankruptcy Code be reinstated  
the Order Granting the Motion for Relief from Automatic Stay be vacated.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

Respectfully submitted,

By /s/Randolph Goldberg/s/  
RANDOLPH H. GOLDBERG, ESQ.  
4000 S. Eastern, Suite 200  
Las Vegas, Nevada 89119  
Attorney for Debtor



**TIFFANY  
& BOSCO**  
P.A.

**Gregory L. Wilde**  
Attorney at Law  
702-258-8200

Offices in:  
Las Vegas, Nevada  
Phoenix, Arizona

February 18, 2011

VIA USPS and FASCIMILE

Adam Parmelee  
4000 South Eastern Ave. #200  
Las Vegas, NV 89119  
Fax No. (702) 735-0505

RE: Wells Fargo Bank v. Huyhn  
BK# 09-30236-mkn

Dear Adam:

Out of professional courtesy, the first available date for the Trustee's sale will take place after March 5, 2011. It's been over 2 months since we've received relief from stay and we still have not seen a Motion to Reinstate. My client is planning on crying the sale unless ordered otherwise.

Should you have any questions, please do not hesitate to contact our office.

Sincerely,

Tiffany & Bosco, PA

Gregory L. Wilde, Esq.

Attorney for Secured Creditor

(dictated but not read)

GW / jm



JPMorgan Chase Bank, N.A.  
P O Box 260180  
Baton Rouge, LA 70826-0180

April 17, 2010 through May 18, 2010

Account Number: [REDACTED]

00016365 DRE 703 210 13910 - NNNNN 1 000000000 32 0000  
VAN T HUYNH  
5855 VALLEY DR UNIT 2002  
NORTH LAS VEGAS NV 89031-3631

### CUSTOMER SERVICE INFORMATION

Web site: **Chase.com**  
Service Center: **1-800-788-7000**  
Hearing Impaired: **1-800-242-7383**  
Para Espanol: **1-877-312-4273**  
International Calls: **1-713-262-1679**



0016365030100000023

### CHECKING SUMMARY

Chase Free Extra Checking

|                              | AMOUNT            |
|------------------------------|-------------------|
| <b>Beginning Balance</b>     | <b>\$2,139.38</b> |
| Deposits and Additions       | 3,174.78          |
| Checks Paid                  | - 3,410.07        |
| ATM & Debit Card Withdrawals | - 1,472.85        |
| Electronic Withdrawals       | - 374.76          |
| <b>Ending Balance</b>        | <b>\$56.48</b>    |

This message confirms that you have overdraft protection on your checking account.

### CHECKS PAID

| CHECK NUMBER             | DATE PAID | AMOUNT            |
|--------------------------|-----------|-------------------|
| 2172                     | 04/20     | \$1,184.67        |
| 2173                     | 04/30     | 109.15            |
| 2174 ^                   | 04/30     | 157.00            |
| 2175 ^                   | 04/30     | 75.00             |
| 2176                     | 05/05     | 29.58             |
| 2177 ^                   | 05/10     | 500.00            |
| 2178 ^                   | 05/10     | 170.00            |
| 2179                     | 05/14     | 1,184.67          |
| <b>Total Checks Paid</b> |           | <b>\$3,410.07</b> |

If you see a check description in the Transaction Detail section, it means your check has already been converted for electronic payment. Because of this, we're not able to return the check to you or show you an image on Chase.com.

^ An image of this check may be available for you to view on Chase.com.



April 17, 2010 through May 18, 2010

Account Number [REDACTED]

**BALANCING YOUR CHECKBOOK**

**Note: Ensure your checkbook register** is up to date with all transactions to date whether they are included on your statement or not.

1. Write in the Ending Balance shown on this statement:

Step 1 Balance: \$ \_\_\_\_\_

2. List and total all deposits & additions not shown on this statement:

| Date | Amount | Date | Amount | Date | Amount |
|------|--------|------|--------|------|--------|
|      |        |      |        |      |        |
|      |        |      |        |      |        |
|      |        |      |        |      |        |

Step 2 Total: \$ \_\_\_\_\_

3. Add Step 2 Total to Step 1 Balance.

Step 3 Total: \$ \_\_\_\_\_

4. List and total all checks, ATM withdrawals, debit card purchases and other withdrawals not shown on this statement.

| Check Number or Date | Amount | Check Number or Date | Amount |
|----------------------|--------|----------------------|--------|
|                      |        |                      |        |
|                      |        |                      |        |
|                      |        |                      |        |
|                      |        |                      |        |
|                      |        |                      |        |
|                      |        |                      |        |

Step 4 Total: -\$ \_\_\_\_\_

5. Subtract Step 4 Total from Step 3 Total. This should match your Checkbook Balance: \$ \_\_\_\_\_

**IN CASE OF ERRORS OR QUESTIONS ABOUT YOUR ELECTRONIC FUNDS TRANSFERS:** Call or write us at the phone number or address on the front of this statement (non-personal accounts contact Customer Service) if you think your statement or receipt is incorrect or if you need more information about a transfer listed on the statement or receipt. We must hear from you no later than 60 days after we sent you the FIRST statement on which the problem or error appeared. Be prepared to give us the following information:

- Your name and account number
- The dollar amount of the suspected error
- A description of the error or transfer you are unsure of, why you believe it is an error, or why you need more information.

We will investigate your complaint and will correct any error promptly. If we take more than 10 business days (or 20 business days for new accounts) to do this, we will credit your account for the amount you think is in error so that you will have use of the money during the time it takes us to complete our investigation.

**IN CASE OF ERRORS OR QUESTIONS ABOUT NON-ELECTRONIC TRANSACTIONS:** Contact the bank immediately if your statement is incorrect or if you need more information about any non-electronic transactions (checks or deposits) on this statement. If any such error appears, you must notify the bank in writing no later than 30 days after the statement was made available to you. For more complete details, see the Account Rules and Regulations or other applicable account agreement that governs your account.



JPMorgan Chase Bank, N.A. Member FDIC

MEMO

1160207057

For enhanced security your account number has been blocked out on this copy

16910

1184.07

2186

NOT NEGOTIABLE

Track Your Expenses...

☒ Auto/Travel  
☐ Education  
☐ Entertainment  
☐ Food  
☐ Home  
☐ Insurance  
☐ Medical/Dental  
☐ Savings  
☐ Taxes  
☐ Utilities  
☐ Other

1160207057  
 1184.07  
 2186



JPMorgan Chase Bank, N.A.  
P O Box 260180  
Baton Rouge, LA 70826 - 0180

May 19, 2010 through June 16, 2010

Account Number: [REDACTED]

00016574 DRE 703 210 16810 - NNNNN 1 000000000 32 0000

VAN T HUYNH  
5855 VALLEY DR UNIT 2002  
NORTH LAS VEGAS NV 89031-3631

### CUSTOMER SERVICE INFORMATION

Web site: **Chase.com**  
Service Center: **1-800-788-7000**  
Hearing Impaired: **1-800-242-7383**  
Para Espanol: **1-877-312-4273**  
International Calls: **1-713-262-1679**



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## HELP CHASE MAKE A DIFFERENCE IN YOUR COMMUNITY

Your votes will help determine which 200 local charities share \$5 million in donations from Chase. Get involved at [Facebook.com/ChaseCommunityGiving](http://Facebook.com/ChaseCommunityGiving).

### CHECKING SUMMARY

Chase Free Extra Checking

|                              | AMOUNT         |
|------------------------------|----------------|
| <b>Beginning Balance</b>     | <b>\$56.48</b> |
| Deposits and Additions       | 3,191.29       |
| Checks Paid                  | - 1,735.90     |
| ATM & Debit Card Withdrawals | - 590.20       |
| Electronic Withdrawals       | - 375.89       |
| Fees and Other Withdrawals   | - 541.00       |
| <b>Ending Balance</b>        | <b>\$4.78</b>  |

This message confirms that you have overdraft protection on your checking account.

### CHECKS PAID

| CHECK NUMBER             | DATE PAID | AMOUNT            |
|--------------------------|-----------|-------------------|
| 2180 ^                   | 06/01     | \$100.00          |
| 2181 ^                   | 06/02     | 100.00            |
| 2182 ^                   | 06/02     | 157.00            |
| 2183                     | 06/02     | 116.00            |
| 2184 ^                   | 06/02     | 50.65             |
| 2185                     | 06/15     | 27.58             |
| 2186                     | 06/14     | 1,184.67          |
| <b>Total Checks Paid</b> |           | <b>\$1,735.90</b> |

If you see a check description in the Transaction Detail section, it means your check has already been converted for electronic payment. Because of this, we're not able to return the check to you or show you an image on Chase.com.

^ An image of this check may be available for you to view on Chase.com.



|  |  |  |
|--|--|--|
| <input checked="" type="checkbox"/> Track Your Expenses...<br><input type="checkbox"/> Auto/Travel<br><input type="checkbox"/> Business<br><input type="checkbox"/> Charities<br><input type="checkbox"/> Clothing<br><input type="checkbox"/> Dependent Care<br><input type="checkbox"/> Education<br><input type="checkbox"/> Entertainment<br><input type="checkbox"/> Food<br><input type="checkbox"/> Home<br><input type="checkbox"/> Insurance<br><input type="checkbox"/> Medical/Dental<br><input type="checkbox"/> Savings<br><input type="checkbox"/> Taxes<br><input type="checkbox"/> Utilities<br><input type="checkbox"/> Other |  | 2195<br>7/20/10                                    |
| ASC<br>eleven hundred eighty-four & cents  |  | BAL<br>FOR'D<br>ITEM<br>AMOUNT<br>DEPOSIT<br>FOR'D |
| For enhanced security your account number has been blocked out on this copy<br>Memo 11000207057  |  | 1184 67<br>NOT NEGOTIABLE                          |



JPMorgan Chase Bank, N.A.  
P O Box 260180  
Baton Rouge, LA 70826 - 0180

July 20, 2010 through August 17, 2010  
Account Number: [REDACTED]

00020378 DRE 703 210 23010 - NNNNN 1 000000000 32 0000  
VAN T HUYNH  
5855 VALLEY DR UNIT 2002  
NORTH LAS VEGAS NV 89031-3631

### CUSTOMER SERVICE INFORMATION

Web site: **Chase.com**  
Service Center: **1-800-788-7000**  
Hearing Impaired: **1-800-242-7383**  
Para Espanol: **1-877-312-4273**  
International Calls: **1-713-262-1679**



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### CHECKING SUMMARY

Chase Free Extra Checking

|                              | AMOUNT          |
|------------------------------|-----------------|
| <b>Beginning Balance</b>     | <b>\$496.07</b> |
| Deposits and Additions       | 3,019.02        |
| Checks Paid                  | - 1,502.67      |
| ATM & Debit Card Withdrawals | - 795.96        |
| Electronic Withdrawals       | - 585.67        |
| Fees and Other Withdrawals   | - 541.00        |
| <b>Ending Balance</b>        | <b>\$89.79</b>  |

This message confirms that you have overdraft protection on your checking account.

### CHECKS PAID

| CHECK NUMBER             | DATE PAID | AMOUNT            |
|--------------------------|-----------|-------------------|
| 2195                     | 07/23     | \$1,184.67        |
| 2196                     | 08/10     | 126.00            |
| 2197                     | 08/11     | 32.00             |
| 2198 ^                   | 08/16     | 160.00            |
| <b>Total Checks Paid</b> |           | <b>\$1,502.67</b> |

If you see a check description in the Transaction Detail section, it means your check has already been converted for electronic payment. Because of this, we're not able to return the check to you or show you an image on Chase.com.

^ An image of this check may be available for you to view on Chase.com.

TAX DEDUCTIBLE ITEM  
**2205**

9/14/10

**Track Your Expenses**

☐ Auto/Travel

☐ Business

☐ Charities

☐ Clothing

☐ Dependent Care

☐ Insurance

☐ Home

☐ Other

☐ Education

☐ Entertainment

☐ Food

☐ Gifts

☐ Health

☐ Medical/Dental

☐ Savings

☐ Taxes

☐ Utilities

For enhanced security your account number has been blocked out on this copy

Memo 1100207057

**AMOUNT**

**ITEM**

**BAL.**

**FOR D.**

**DEPOSIT**

**BALANCE**

1184.07

1100

1100

NOT NEGOTIABLE



JPMorgan Chase Bank, N.A.  
P O Box 659754  
San Antonio, TX 78265 - 9754

August 18, 2010 through September 17, 2010  
Account Number: [REDACTED]

### CUSTOMER SERVICE INFORMATION

Web site: **Chase.com**  
Service Center: **1-800-788-7000**  
Hearing Impaired: **1-800-242-7383**  
Para Espanol: **1-877-312-4273**  
International Calls: **1-713-262-1679**



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The California State Controller may soon issue Registered Warrants to pay certain State obligations. For more information about the Registered Warrants and our policies and conditions for accepting them, please go to [www.chase.com/CAWarrants](http://www.chase.com/CAWarrants).

### CHECKING SUMMARY

Chase Free Extra Checking

|                              | AMOUNT          |
|------------------------------|-----------------|
| <b>Beginning Balance</b>     | <b>\$89.79</b>  |
| Deposits and Additions       | 4,336.59        |
| Checks Paid                  | - 1,747.67      |
| ATM & Debit Card Withdrawals | - 1,641.86      |
| Electronic Withdrawals       | - 231.24        |
| Fees and Other Withdrawals   | - 596.00        |
| <b>Ending Balance</b>        | <b>\$209.61</b> |

This message confirms that you have overdraft protection on your checking account.

### CHECKS PAID

| CHECK NUMBER             | DATE PAID | AMOUNT            |
|--------------------------|-----------|-------------------|
| 2200                     | 09/13     | \$32.00           |
| 2201                     | 09/13     | 126.00            |
| 2202 ^                   | 09/13     | 105.00            |
| 2203 ^                   | 09/08     | 300.00            |
| 2205 *                   | 09/17     | 1,184.67          |
| <b>Total Checks Paid</b> |           | <b>\$1,747.67</b> |

If you see a check description in the Transaction Detail section, it means your check has already been converted for electronic payment. Because of this, we're not able to return the check to you or show you an image on Chase.com.

\* All of your recent checks may not be on this statement, either because they haven't cleared yet or they were listed on one of your previous statements.

^ An image of this check may be available for you to view on Chase.com.

TAX DEDUCTIBLE ITEM ☐

2214

11/10/10

☒ Track Your Expenses ...

☐ Auto/Travel    ☐ Education    ☐ Medical/Dental  
☐ Business    ☐ Entertainment    ☐ Savings  
☐ Charities    ☐ Food    ☐ Taxes  
☐ Clothing    ☐ Home    ☐ Utilities  
☐ Dependent Care    ☐ Insurance    ☐ Other

America's Servicing Co.  
 eleven hundred eighty-four

For enhanced security your account number has been blocked out on this copy

1100207057

Memo

| BAL. | ITEM | AMOUNT  | BALANCE | DEPOSIT | FORD |
|------|------|---------|---------|---------|------|
|      |      | 1184.67 |         |         |      |
|      |      |         |         |         |      |
|      |      |         |         |         |      |
|      |      |         |         |         |      |

NOT NEGOTIABLE